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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Respondent,

v.

THOMAS ERIC CONMY,

Defendant/Movant.

Case No. 2:05-CR-00083-KJD-GWF

ORDER

Presently before the Court are Defendant's Motion for Certificate of Appealability (#165) and Application for Leave to Proceed In Forma Pauperis (#166). Having read and considered the motions and good cause lacking, they are denied. In the Order (#160) for which Defendant seeks a certificate of appealability, the Court denied Defendant a certificate of appealability and stated its reasons for doing so.

Further the Court finds that Plaintiff should not be permitted to proceed *in forma pauperis* where, as here, the appeal is frivolous and not taken in good faith. 28 U.S.C. § 1915(a)(3). First, this is Defendant's second or successive motion to vacate under 28 U.S.C. § 2255 and was filed without leave of the Ninth Circuit Court of Appeals. Further, having considered the motion on the merits, this Court found that clear Ninth Circuit precedent foreclosed his claims.

Accordingly, IT IS HEREBY ORDERED that Defendant's Motion for Certificate of Appealability (#165) and Application for Leave to Proceed In Forma Pauperis (#166) are **DENIED**.

Dated this 9th day of May, 2018.

Ben S

Kent J. Dawson
United States District Judge